Supreme Court, U.S.
FILED
NOV 13
CLERK

No. 99-2071

In The

Supreme Court of the United States

TUAN ANH NGUYEN AND
JOSEPH ALFRED BOULAIS,

Petitioners,

v.

IMMIGRATION AND NATURALIZATION SERVICE,

Respondent.

On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

JOINT APPENDIX

NANCY A. FALGOUT
Counsel of Record
for Petitioners
3303 Louisiana Street
Suite 230
Houston, Texas 77006
(713) 520-1618

SETH P. WAXMAN
Solicitor General
Counsel of Record
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Department of Justice
Washington, DC 20530-0001
(202) 514-2217

Petition For Writ Of Certiorari Filed: June 26, 2000
Certiorari Granted: September 26, 2000

31PP

TABLE OF CONTENTS

Docket Entries:
Board of Immigration Appeals 1
United States Court of Appeals for the Fifth Circuit 3

Certification of Birth, Joseph Byron Alfred Boulais 6

Armed Forces of the United States, Report of Transfer or Discharge 7

Social Security Administration, Summary of FICA Earnings, JB Boulais 14

Methodist Hospital, Paternity Testing Results, Mr. Joe Alfred Boulais 15

District Court, Harris County, Texas, Petitioner's Supporting Affidavit 20

District Court, Harris County, Texas, 311th Judicial District, Order of Parentage 22

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS
FALLS CHURCH, VIRGINIA

A 22 083 216

Matter of Tuan Anh Nguyen, Respondent
in Deportation Proceedings

Chronology of Relevant Pleadings, Hearings and Orders

DATE	PROCEEDINGS
04/04/95	ORDER TO SHOW CAUSE issued by Immigration and Naturalization Service (INS), instituting deportation proceedings against Appellant Tuan Anh Nguyen.
01/30/97	HEARING before Immigration Judge Jimmie Benton. ORDER of deportation to Vietnam issued.
02/27/97	NOTICE OF APPEAL filed with Board of Immigration Appeals (BIA) by Tuan Anh Nguyen.
08/08/97	BRIEF filed by Appellee INS.
08/20/97	BRIEF filed by Appellant Tuan Anh Nguyen.
04/17/98	SUPPLEMENTAL BRIEF and Motion to Hold Deportation Proceedings in Abeyance filed by Appellant Tuan Anh Nguyen.

06/02/98 ORDER filed. Decision: Appeal dismissed.

06/26/98 MOTION to Reconsider filed by Appellant Tuan Anh Nguyen.

05/28/99 ORDER filed. Decision: Appellant Tuan Anh Nguyen's Motion to Reconsider denied.

UNITED STATES COURT OF APPEALS
FIFTH JUDICIAL CIRCUIT

No. 98-60418

Tuan Anh Nguyen and Joseph Boulais, Petitioners
v.
Immigration and Naturalization Service,
Respondent

DOCKET ENTRIES

DATE	PROCEEDINGS
07/01/98	PETITION FOR REVIEW filed by Petitioner Tuan Anh Nguyen, Petitioner Joseph Alfred Boulais.
07/01/98	MOTION filed by Petitioner Tuan Anh Nguyen for stay of deportation (incorporated into petition for review).
07/02/98	NOTICE filed by Petitioner Tuan Anh Nguyen of intent to deport Tuan Anh Nguyen.
07/15/98	ORDER filed granting petitioner Tuan Anh Nguyen's unopposed motion for stay of deportation pending review.
08/31/98	MOTION filed by Respondent INS to dismiss petition for lack of jurisdiction and to "hold briefing in abeyance pending disposition of motion to dismiss".

09/14/98 RESPONSE/OPPOSITION filed by Petitioners Tuan Anh Nguyen and Joseph Alfred Boulais to motion to dismiss.

09/21/98 REPLY filed by Respondent INS to response/ opposition by Petitioners Tuan Anh Nguyen and Joseph Alfred Boulais

09/23/98 REPLY filed by Petitioners Tuan Anh Nguyen and Joseph Alfred Boulais to reply by Respondent INS to response/opposition of petitioners to motion to dismiss.

01/12/99 BRIEF filed by Petitioners Tuan Anh Nguyen and Joseph Alfred Boulais.

03/08/99 BRIEF filed by Respondent INS.

03/23/99 REPLY BRIEF filed by Petitioners Tuan Anh Nguyen and Joseph Alfred Boulais.

06/23/99 SUPPLEMENTAL AUTHORITIES filed by Petitioners Tuan Anh Nguyen and Joseph Alfred Boulais.

07/16/99 LETTER of Respondent INS filed, requesting that footnote 14 on page 16 of its brief be withdrawn.

09/08/99 SUPPLEMENTAL AUTHORITIES filed by Respondent INS.

10/06/99 SUPPLEMENTAL AUTHORITIES filed by Petitioners Tuan Anh Nguyen and Joseph Alfred Boulais.

10/07/99 ORAL ARGUMENT heard.

01/17/00 SUPPLEMENTAL AUTHORITIES filed by Petitioners Tuan Anh Nguyen and Joseph Alfred Boulais.

04/17/00 ORDER filed granting Respondent INS' motion to dismiss appeal for lack of jurisdiction.

04/17/00 JUDGEMENT entered and filed.

06/09/00 MANDATE issued.

CERTIFICATION OF BIRTH
JOSEPH BYRON ALFRED BOULAIS

CERTIFICATION OF BIRTH
Connecticut State Department of Health

Public Health Statistics Section,
Hartford, Connecticut, U.S.A

Registration No. None

Name Joseph Byron Alfred Boulais

Date of Birth June 21, 1937 Sex Male

Place of Birth Hartford

Reg. Date 6/24/37 Date Issued 12/27/74

This is a true certification of Name and Birth Facts
(remainder unreadable)

Attest /s/
Douglas Lloyd, M.D. Commissioner

STATE OF CONNECTICUT

ARMED FORCES OF THE UNITED STATES
REPORT OF TRANSFER OR DISCHARGE
DD FORM 1 NOV 55 214
REPLACED EDITION OF 1 JUL 52 WHICH IS OBSOLETE.
(originally on bottom of document)

PERSONAL DATA

1. LAST NAME-FIRST NAME-MIDDLE NAME

   BOULAIS, JOSEPH BYRON ALFRED

2. SERVICE NUMBER
   RA 19 654 080

3. a. GRADE RATE OR RANK
   [text unreadable] E-4 (T)

   b. DATE OF RANK (day, month, year)
   2 Jul 62

4. DEPARTMENT, COMPONENT, AND BRANCH OR CLASS
   ARMY-RA-ARTY

5. PLACE OF BIRTH (CITY AND STATE OR COUNTRY)
   Hartford, Connecticut

6. DATE OF BIRTH
   DAY-MONTH-YEAR
   21 Jun 37

7. a. RACE
Caucasian

b. SEX
Male

c. COLOR HAIR
Brown

d. COLOR EYES
Brown

e. HEIGHT
5'11"

f. WEIGHT
165

8. U.S. CITIZEN
✖ YES
❑ NO

9. MARITAL STATUS
Single

10. a. HIGHEST CIVILIAN EDUCATION LEVEL ATTAINED
12 years

b. MAJOR COURSE OR FIELD
Academic

TRANSFER OR DISCHARGE DATA

11. a. TYPE OF TRANSFER OR DISCHARGE
Transferred To USAR (See 18)

b. STATION OR INSTALLATION AT WHICH EFFECTED
Fliegerhorst Kaserne, Hanau, Germany

c. EFFECTIVE DATE
DAY-MONTH-YEAR
24 Jan 63

12. LAST DUTY ASSIGNMENT AND MAJOR COMMAND
Btry B. 2d How Bn. 75th Arty, USAREUR

13. a. CHARACTER OF SERVICE
HONORABLE

b. TYPE OF CERTIFICATE ISSUED
NONE

SELECTIVE SERVICE DATA

14. SELECTIVE SERVICE NUMBER
43 3 37 80

15. SELECTIVE SERVICE LOCAL BOARD NUMBER CITY, COUNTY AND STATE
L.B. #3, St. Johnsbury, Caledonia Co., California

16. DATE INDUCTED
DAY-MONTH-YEAR
25 Jan 60

17. DISTRICT OR AREA COMMAND TO WHICH RESERVIST TRANSFERRED

USAR Con GP (Stand By) USAREUR, AFO 403, New York, New York

SERVICE DATA

18. TERMINAL DATE OF RESERVE OBLIGATION
DAY-MONTH-YEAR
24 Jan 66

19. CURRENT ACTIVE SERVICE OTHER THAN BY INDUCTION

a. SOURCE OF ENTRY
✖ ENLISTED (first enrollment)
❑ ENLISTED (prior service)
❑ REENLISTED
❑ OTHER

b. TERM OF SERVICE (years)
3

c. DATE OF ENTRY
DAY-MONTH-YEAR
25 Jan 60

20. PRIOR REGULAR ENLISTMENTS
NONE

21. GRADE, RATE OR RANK AT TIME OF ENTRY INTO CURRENT ACTIVE SERVICE
Rct. E-1

22. PLACE OF ENTRY INTO CURRENT ACTIVE SERVICE (City and State)
Los Angeles, California

23. HOME OF RECORD AT TIME OF ENTRY INTO ACTIVE SERVICE
(Street, RFD, City, County, and State)
10659 Daines Dr., Temple City, Los Angeles Co., California

24. STATEMENT OF SERVICE
a. CREDITABLE FOR BASIC PAY PURPOSES
(1) NET SERVICE THIS PERIOD
YEARS-3, MONTHS-0, DAYS-0

(2) OTHER SERVICE
YEARS-0, MONTHS-0, DAYS-0

(3) TOTAL [original text unclear]
YEARS-3, MONTHS-0, DAYS-0

b. TOTAL ACTIVE SERVICE
YEARS-3, MONTHS-0, DAYS-0

c. FOREIGN AND OTHER SEA SERVICE
YEARS-2, MONTHS-7, DAYS-4

26. DECORATIONS, MEDALS, BADGES, COMMENDATIONS, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED
Expert (M-14, Rifle)
Drivers Badge, w/Bar

27. WOUNDS RECEIVED AS A RESULT OF ACTION WITH ENEMY FORCES (Place and Date, if known)
NONE

28. SERVICE SCHOOLS OR COLLEGES, COLLEGE TRAINING COURSES AND/OR POST-GRADUATE COURSES SUCCESSFULLY COMPLETED
SCHOOL OR COURSE-NONE
DATES-NA
MAJOR COURSES-NA

29. OTHER SERVICE TRAINING COURSES SUCCESSFULLY COMPLETED
Code of Conduct
Mil Justice

VA DATA

30. a. GOVERNMENT LIFE INSURANCE IN FORCE
❑ YES
✖ NO

b. AMOUNT OF ALLOTMENT
NA

c. MONTH ALLOTMENT DISCONTINUED
NA

31. a. VA BENEFITS PREVIOUSLY APPLIED FOR (specify type)
NONE

b. VA CLAIM NUMBER
NA

AUTHENTICATION

32. REMARKS

BLOOD GROUP: A
SSAN; 342-34-5386
Lump sum payment made for 57 days accrued leave
Item 3a: PFC E-3 (P), DOR: 10 Oct 60,
Date of Apt: 10 Oct 61

33. PERMANENT ADDRESS FOR MAILING PURPOSES AFTER TRANSFER OR DISCHARGE
[unreadable]
Wolcott, Vermont

34. SIGNATURE OF PERSON BEING TRANSFERRED OR DISCHARGED

/S/

35. a. TYPED NAME, GRADE AND TITLE OF AUTHORIZING OFFICER
L.B. PRICE, CWO, W-3, Pers Officer

b. SIGNATURE OF OFFICER AUTHORIZED TO SIGN

/S/

SOCIAL SECURITY ADMINISTRATION
SUMMARY OF FICA EARNINGS
FOR YEAR REQUESTED

SEQY DTE: 02/24/98 AN: 342-34-5386 DOC: 856
UNIT: BJS MEF: QN: 342-34-5386 NA: J B BOULAI
DB: 06/1937 SX: M AK

SUMMARY FICA EARNINGS FOR YEAR REQUESTED

Year	Earnings	Year	Earnings	Year	Earnings	Year	Earnings
1958	2167.12	1966	6600.00	1974	11775.99	1982	32400.00
1959	3147.21	1967	13057.51	1975	14843.58	1983	30702.87
1960	1250.40	1968	7800.00	1976	.00	1984	26680.07
1961	1192.44	1969	7800.00	1977	.00	1985	13257.75
1962	1499.43	1970	7800.00	1978	.00	1986	32026.04
1963	120.00	1971	7800.00	1979	22900.00	1987	29278.35
1964	.00	1972	9000.03	1980	25900.00	1988	2559.30
1965	.00	1973	10800.00	1981	29700.00		

SOCIAL SECURITY ADMINISTRATION
10810 EASTEX FREEWAY
HOUSTON, TX 77093

THE METHODIST HOSPITAL
PATERNITY TESTING RESULTS
MR. JOE ALFRED BOULAIS

THE METHODIST HOSPITAL

6565 FANNIN STREET
HOUSTON, TX. 77030-2707
(713) 790-3311

CONFIDENTIAL

December 16, 1997

Mr. Joe Alfred Boulais

Re: Paternity Testing of Mr. Joe Alfred Boulais, alleged father, and Tuan A. Nguyen, adult child.

Cause No. 97 44500; In the Matter of Tuan Anh Nguyen; In the 311th Judicial District Court of Harris County

Dear Mr. Boulais:

Blood was drawn for paternity testing from the two individuals mentioned above at The Methodist Hospital, 6565 Fannin Street, Houston, Texas. The results of ABO, HLA and DNA system tests are listed on the enclosed sheets.

Applying the recognized laws of genetics to these results we can state that these results are consistent with Mr. Joe Alfred Boulais being the biological father of the adult child, Tuan A. Nguyen. Mr. Joe Alfred Boulais is not excluded in any of the marker systems tested. Probabilities for paternity can be calculated in each marker system by calculating the comparative likelihood that he could produce an offspring

with this phenotype with a random woman of the same ethnic group in relation to the likelihood that a random man and random woman could produce an offspring with this phenotype.

Assuming a prior probability of 50%, the combined probability for paternity is 99.98%. 99.94% of falsely accused men would be excluded as the father by the above tests.

Should you have any further questions or comments regarding this case, please feel free to contact me.

I hereby certify that the enclosed report is an exact copy of the original report on file in my laboratory, that is an AABB Parentage Testing Committee Accredited Laboratory, and that I have been fully responsible for all test results reported and all interpretations made.

Sincerely,

/s/

David H. Yawn, M.D.
Medical Director
The Methodist Hospital
HLA Laboratory
6565 Fannin, F 501
Houston, Texas 77030
(713) 790-3127

DHY/dlk
Enclosures: as stated
oc: 311th Harris County Judicial District Court
xc: Tuan A. Nguyen, Adult Child
Elizabeth M. Mendoza, Attorney at Law

SUBSCRIBED AND SWORN TO BEFORE ME on this the 10 day of December 1997

/s/

Notary Public in and for The State of Texas

The Methodist Hospital
Histocompatibility and Clinical Immunology Laboratory
Parentage Testing Report

16 Dec 97

RE paternity test results on :

		Lab No.	Race	Blood Drawn
Mother			O	
Child	Tuan A. Nguyen	27722		03 Dec 97
Alleged Father	Joe Alfred Boulais	27550	W	22 Oct 97

System	Mother	Child	Alleged Father	Paternity Index
ABO	?	A	A	1.54
HLA	?	A 3, 24 B 14,46	A 1,3 B 8, 14	63.54
D7S104 pS194/ PST 1	?	6.73	6.73	5.42
D2S44 pYNH24/HAEIII	?	1.41 2.91	2.02 2.91	7.16
D21S112 pL427/PST 1	?	1.59 1.94	1.59 1.87	1.45

Joe Alfred Boulais can not be excluded as the father of Tuan A. Nguyen. The combined paternity index (genetic odds in favor of paternity) is 5,516. The relative chance of paternity, assuming a 50% prior chance, is 99.98%.

99.94% of falsely accused men would be excluded as the father by the above tests.

/s/
David H. Yawn, MD
Medical Director

NO. _____

IN THE MATTER OF	)	IN THE DISTRICT COURT
TUAN ANH NGUYEN	)	OF HARRIS COUNTY, TEXAS
	)	JUDICIAL DISTRICT

PETITIONERS SUPPORTING AFFIDAVIT

Before me, the undersigned authority, personally appeared JOSEPH BYRON ALFRED BOULAIS, who by me duly sworn, deposed as follows:

"My name is JOSEPH BYRON ALFRED BOULAIS. I am over the age of 18 years and of sound mind and capable of making this affidavit. I am personally acquainted with the facts herein stated, which are true.

I am the Petitioner in the above-entitled and numbered cause.

I acknowledge that I am the biological father of Tuan Anh Nguyen. I met his mother in 1969 in Vietnam. At the time I was working on Pacific Architect Engineer throughout Southeast Asia. His mother and I had a relationship and the result of that was our son Tuan. Soon after Tuan's birth, my relationship with his mother soured and the baby went to live with the family of my new girlfriend, who also was Vietnamese.

When Saigon fell, I lost total contact with Tuan's mother. I really don't know if she is dead or alive. My son escaped Vietnam with my girlfriend's family and they went to the Philippines. In 1975, I brought my son to the US and I

have raised him. To this day my son nor I have any idea what happened to his mother.

I want to fix my son's immigration papers and to do that I need to legally establish that I am Tuan's father. The US Immigration and Naturalization Service wants genetic testing done before they will believe that I am Tuan's father. That is why I am filing this paternity case.

If I knew where Tuan's mother was or how to get in touch with her I would have done so by now. I harbor no ill will against her. I simply do not know anything about her and haven't for the past twenty years.

I do not have any knowledge of the residence and/or present address of Tuan's mother. I have exercised due diligence to locate the whereabouts of this party and have been unable to do so."

/s/
Joseph Byron Alfred Boulais\ Petitioner, Affiant

Subscribed and sworn to me under oath on August 19, 1997.

/s/
Notary Public for the State of Texas

My commission expires: 09-16-2000

NO. 97-44500

IN THE MATTER OF	)	IN THE DISTRICT COURT OF
	)	HARRIS COUNTY, TEXAS
TUAN ANH NGUYEN	)	311TH JUDICIAL DISTRICT

ORDER OF PARENTAGE

I. DATE OF HEARING

On February 3, 1998 the Court heard this case.

II. APPEARANCES

Joseph Boulais, Petitioner, appeared in person and through attorney of record, Elizabeth M. Mendoza, and announced ready for trial.

Nguyen Thi Hong, Respondent, although duly and properly cited, did not appear and wholly made default.

An Ad Litem Attorney was not requested nor appointed by the Court.

The following person waived issuance and service of citation by waiver duly filed and did not otherwise appear: Tuan Anh Nguyen.

III. JURISDICTION

The Court, after examining the record and hearing the evidence and argument of counsel, finds that it has jurisdiction of this case and of all the parties and that no other court has continuing, exclusive jurisdiction of this case. All persons entitled to citation were properly cited.

IV. JURY

A jury was waived, and all questions of fact and law were submitted to the Court.

V. RECORD

The making of a record of testimony was made by the official Court Reporter. (handwritten words unreadable in original)

VI. ADULT

The Court finds that the following child, now an adult, is the subject of this suit:

Name:	Tuan Anh Nguyen
Sex:	Male
Birthplace	Saigon, Vietnam
Birthdate:	September 11, 1969
Present residence:	Incarcerated at: Ferguson Unit Rt. 2, Box 20 Midway, Texas 75852 Prisoner ID# 63 93 94

VII. STATEMENT OF PATERNITY

The Court finds that Joseph Boulais has executed s [sic] statement of paternity for the child the subject of this suit in form and substance as provided by law, that a copy of the statement has been filed in this case, and that the facts recited in the statement are true.

VII. PARENTAGE ESTABLISHED

The Court, after considering the pleadings, the evidence, the argument of counsel, and the circumstances of the parties and of the child, finds that the following orders are in the best interest of the child and are proper.

IT IS ORDERED that Tuan Anh Nguyen, a child to Nguyen Thi Hung at Saigon, Vietnam on September 11, 1969 is adjudicated the child of Joseph Boulais and that Joseph Boulais is adjudicated a parent of that child and that the parent-child relationship exists between the father and the child for all purposes.

IX. DECLARATION OF NAME

IT IS ORDERED that the child formerly known as Tuan Anh Nguyen shall hereafter be named Tuan Anh Boulais.

X. INFORMATION REGARDING PARTIES AND CHILD

The information required for each party by section 105.006(a) of the Texas Family Code is as follows:

Name:	Thi Hung Nguyen
Social Security number:	Unknown
Driver's license number and issuing date:	Unknown
Current residence address:	Unknown
Mailing address:	Unknown
Home telephone number:	Unknown
Name of employer:	Unknown
Address of employment:	Unknown
Work telephone number:	Unknown
Name:	Joseph Boulais
Social security number:	342 34 5386
Driver's license number and issuing state:	040 29 522; Texas
Current residence address:	13525 Aldine Westfield, Houston, TX 77039
Mailing address:	Same as above
Home telephone number:	281-442-7969
Name of employer:	Boulais Mobile Home Park
Address of employment:	12619 Chrisman Road Houston, Texas. 77039
Work telephone number:	281-442-7969
Name:	Tuan Anh Nguyen
Social security number:	None
Driver's license number and issuing state:	None
Current residence address:	Ferguson Unit Rt. 2, Box 20 Midway, Texas 75852 Prisoner ID # 63 93 94
Mailing address:	Same as above

Home telephone number:	None
Name of employer:	None
Address of employment:	None
Work telephone number:	None

XI. REQUIRED NOTICES

EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EACH OTHER PARTY [AND THE CLERK OF THIS COURT] WITHIN 10 DAYS AFTER THE DATE OF ANY CHANGE IN THE PARTY'S CURRENT RESIDENCE ADDRESS, MAILING ADDRESS, HOME TELEPHONE NUMBER, NAME OF EMPLOYER, ADDRESS OF EMPLOYMENT, AND WORK TELEPHONE NUMBER. THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF THE REQUIRED INFORMATION TO EACH OTHER PARTY ON OR BEFORE THE 60TH DAY BEFORE THE INTENDED CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE CHANGE IN SUFFICIENT TIME TO PROVIDE 60-DAY NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE FIFTH DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.

THE DUTY TO FURNISH THIS INFORMATION TO EACH OTHER PARTY [AND THE CLERK OF THE COURT] CONTINUES AS LONG AS ANY PERSON, BY VIRTUE OF THIS ORDER, IS UNDER AN OBLIGATION TO PAY CHILD SUPPORT OR ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD.

FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE EACH OTHER PARTY [AND THE CLERK OF THIS COURT] WITH THE CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO $500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

Notice shall be given to the other party by delivering a copy of the notice to the party by registered or certified mail, return receipt requested. [Notice shall be given to the Court by delivering a copy of the notice either in person to the clerk of the Court or by registered or certified mail addressed to the clerk.]

XII. WARNINGS TO PARTIES

WARNINGS TO PARTIES: FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO $500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY

RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT.

FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.

XIII. COSTS

IT IS ORDERED that the costs of court are to be borne by the party who incurred them.

XIV. RELIEF NOT GRANTED

IT IS ORDERED that all relief requested in this case and not expressly granted is denied.

XV. DATE OF ORDER

SIGNED on Feb. 4th, 1998

/s/
JUDGE PRESIDING

XVI. APPROVALS

APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE:

/s/
PETITIONER

APPROVED AS TO FORM ONLY:

/s/
Elizabeth M. Mendoza
Attorney for Petitioner
9894 Bissonnet, Ste. 310
Houston, Texas 77036
Tel. 713-271-8601
Fax. 713-271-1771
Tx. Bar No. 007 86 108